

IN THE SENATE

SENATE BILL NO. 1247

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM AND VACATION TIME; AMENDING SECTION 67-5334, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE TRANSFER OF ACCRUED VACATION TIME; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-5334, Idaho Code, be, and the same is hereby amended to read as follows:

67-5334. VACATION TIME. (1) Vacation time shall be computed as follows:

(a) Vacation time shall not accrue to any officer or employee on any kind of leave of absence without pay, suspension without pay or layoff. Vacation leave shall accrue while an officer or employee is on approved leave with pay, on approved vacation leave, on approved military leave with pay, and on approved sick leave, but not when compensatory time is taken.

(b) The rate per hour at which vacation leave shall accrue to eligible classified officers and employees earning credited state service who are covered and nonexempt under the federal fair labor standards act, 29 U.S.C. section 201, et seq., shall be at the rate represented by the proportion 96/2080 during the first ten thousand four hundred (10,400) hours of credited state service; at the rate represented by the proportion 120/2080 during the second ten thousand four hundred (10,400) hours of credited state service; at the rate represented by the proportion 144/2080 during the third ten thousand four hundred (10,400) hours of credited state service; and at the rate represented by the proportion 168/2080 thereafter.

(c) Classified officers and employees earning credited state service and defined as an exempt "professional," "administrative," "computer worker" under the federal fair labor standards act, 29 U.S.C. section 201, et seq., or who are designated as exempt under any other complete exemption in federal law shall be at the rate represented by the proportion 120/2080 during the first ten thousand four hundred (10,400) hours of credited state service; at the rate represented by the proportion 144/2080 during the second ten thousand four hundred (10,400) hours of credited state service; and at the rate represented by the proportion 168/2080 thereafter.

(d) Classified officers and employees earning credited state service and defined as an exempt "executive" under section 67-5302, Idaho Code, shall be at the rate represented by the proportion 200/2080.

(2) Eligibility and use of vacation time shall be determined as follows:

1 (a) An appointing authority shall permit each officer or employee to  
2 take vacation leave to the extent such leave has accrued.

3 (b) Vacation leave may be accrued and accumulated only as follows,  
4 unless amounts in excess of the permitted accumulations have been  
5 expressly authorized in writing by the board of examiners during  
6 unusual or emergency situations:

7 During the first ten thousand four hundred (10,400) hours of credited  
8 state service, vacation leave may be accrued and accumulated to a  
9 maximum of one hundred ninety-two (192) hours; employees classified  
10 as "executive" under section 67-5302, Idaho Code, may accrue and  
11 accumulate vacation leave to a maximum of two hundred (200) hours during  
12 this period;

13 During the second ten thousand four hundred (10,400) hours of  
14 credited state service, vacation leave may be accrued and accumulated  
15 to a maximum of two hundred forty (240) hours;

16 During the third ten thousand four hundred (10,400) hours of credited  
17 state service, vacation leave may be accrued and accumulated to a  
18 maximum of two hundred eighty-eight (288) hours;

19 After thirty-one thousand two hundred (31,200) hours of credited  
20 state service, vacation leave may be accrued and accumulated to a  
21 maximum of three hundred thirty-six (336) hours.

22 (c) Vacation leave shall be transferable from department to department  
23 only to the extent that it is accrued and accumulated.

24 (d) Vacation leave shall not be earned, accrued or accumulated during  
25 any pay period in which the maximum accruals and accumulations provided  
26 by this section have been met.

27 (e) Vacation leave not taken shall be compensated for at the time of  
28 separation only to the maximum accruals and accumulations allowed by  
29 this section.

30 (f) Vacation leave shall be taken on a workday basis. Regularly  
31 scheduled days off and officially designated holidays falling within a  
32 period of vacation leave shall not be counted against vacation leave.  
33 Vacation leave shall not be taken in advance of being earned and shall  
34 only be taken in pay periods subsequent to being earned.

35 (g) With the approval of the appointing authority for both the  
36 transferring and receiving officer or employee, an officer or employee  
37 may transfer accrued vacation leave, up to a maximum of ~~forty~~ eighty  
38 (480) hours per fiscal year, to another officer or employee for purposes  
39 of sick leave in the event the receiving officer or employee or a  
40 family member suffers from a serious illness or injury. The amount  
41 transferred shall be converted to sick leave. An officer or employee  
42 shall not be allowed to receive more than one hundred sixty (160) hours  
43 of transferred leave per fiscal year, and a transfer shall not occur  
44 until the receiving employee has exhausted all of his or her accrued  
45 sick and vacation leave. An officer or employee shall not be eligible to  
46 transfer vacation leave unless his or her balance exceeds eighty (80)  
47 hours, and in no event may an officer or employee transfer an amount  
48 of accrued leave which would result in an accrued balance of less than  
49 eighty (80) hours.

1           (3) Upon separation from state employment and to the limits allowed  
2 by subsection (2) of this section, all classified officers and employees  
3 shall receive a lump sum payment for accrued but unused vacation leave at the  
4 hourly rate of pay of that officer or employee.

5           SECTION 2. An emergency existing therefor, which emergency is hereby  
6 declared to exist, this act shall be in full force and effect on and after its  
7 passage and approval, and retroactively to January 1, 2010.